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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,354	11/21/2003	William C. Maloney	K047 1140.2	3324
7590 06/22/2006				
MARK A. TIDWELL JACKSON WALKER L.L.P. 112 E. PECAN, SUITE 2100 SAN ANTONIO, TX 78205			EXAMINER TRIEU, VAN THANH	
			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/719,354

Applicant(s)

MALONEY, WILLIAM C.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-36 and 38-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-36 and 38-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in page 1, the Reference To Related Application section should include the claimed priority application No. 10/180,665 filed on 26 June 2002, now U.S. Patent No. 6,707,381.

Appropriate correction is required.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Missing claim number 37 is required to be corrected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 31-33, 39-43, 45-50, 53, 54, 59-61, 67 and 76 are rejected under 35 U.S.C. 102(b) as being anticipated by **Geraci** [US 5,143,193].

Regarding claim 31, the claimed an object tracking and control system comprising: a storage unit defining an enclosed, internal space therein, the storage unit capable of being opened to access the internal space (the storage/housing 10 includes internal space to be accessed by a front door panel 12, see Fig. 3, col. 4, lines 9-10) and the plurality of receptacles defined within the enclosed, internal space, the receptacles disposed for receiving a plurality of trackable objects (the plurality of storage compartments 14 for storing articles/video tapes, see Figs. 3 and 4, col. 4, lines 12-16); and the plurality of trackable objects removably insertable into the receptacle without opening the storage unit (a user/customer can remove the article/video tape from and deliver to the terminal through its access opening 43 without opening the front door panel 12, see Figs. 3-5, col. 1, lines 51-54, col. 4, lines 21-23 and col. 5, lines 2-6); and the central controller remotely located from the storage unit (the local computer 101 is accessed remotely via a modem, see Fig. 3, col. 6, lines 6-10).

Regarding claim 32, the claimed communication between the storage unit and the central controller (the modem, see col. 6, lines 6-10).

Regarding claim 33, the claimed communication link is a network connection, which reads upon the computer network through modems.

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Regarding claim 39, the claimed plurality of storage unit (the plurality of storages 14, see Figs. 4 and 5).

Regarding claim 40, the claimed storage unit comprises a local controller (the local computer 101, see Fig. 3, col. 4, lines 9).

Regarding claim 41, the claimed local controller is located in the storage unit (the local computer 101, see Fig. 3).

Regarding claim 42, the claimed local controller is remotely located from the storage unit and remotely located from the central controller (the central computer being connected and communicated with the local computer 101 via a modem, see Fig. 3, col. 6, lines 6-10 and col. 11, lines 24-29).

Regarding claim 43, the claimed local controller has a network connection, see Fig. 3.

Regarding claim 45, the claimed local controller in communication with the central controller via the communication link (the central computer being connected and communicated with the local computer 101 via a modem, see Fig. 3, col. 6, lines 6-10 and col. 11, lines 24-29).

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Regarding claim 46, the claimed central controller is a control computer (the central computer being connected and communicated with the local computer 101 via a modem, see Fig. 3, col. 6, lines 6-10 and col. 11, lines 24-29).

Regarding claim 47, the claimed local controller is a local computer (the local computer 101, see Fig. 3, col. 6, lines 66-9).

Regarding claim 48, the claimed storage unit comprises a storage cabinet (the storage compartment 14, see Fig. 3).

Regarding claim 49, the claimed each of the trackable objects is associated with an asset to be tracked (see Figs. 1-5, col. 1, lines 32-59, col. 2, lines 48-68 and col. 3, lines 1-15).

Regarding claim 50, all the claimed subject matters are cited in respect to claims 31, 41, 45 and 46 above, and including each trackable object having an upper portion and lower portion (each of the video tape or container 55 having upper and lower portion for sliding or inserting into the storage compartment 14, 96, see Figs. 4, 7 and 16, col. 5, lines 28-30, col. 9, lines 56-68 and col. 10, lines 1-51); and having an array of sockets individually defined within the storage unit in the same plane, each socket configured to receive the lower portion of a trackable object (the shelves 94 in each plane for receiving each of the containers 55, see Figs. 4, 5 and 16, col. 9, lines 56-68 and col.

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10, lines 1-51); and the local controller is electrical communication with the socket (the computer 101 is in communication with each of the shelves 94 and compartments 96, see Figs. 3-5 and 16, col. 10, lines 16-51).

Regarding claim 53, all the claimed subject matters are cited in respect to claims 39 and 50 above.

Regarding claim 54, all the claimed subject matters are cited in respect to claims 31 and 50 above, and the tangible object (the selves 94, see Figs. 4 and 16).

Regarding claim 59, the method claimed limitations are met by the apparatus claims 31 and 50 above, see Figs. 3-5

Regarding claim 60, all the claimed subject matters are cited in respect to claims 42, 43 and 59 above.

Regarding claim 61, all the claimed subject matters are cited in respect to claims 43-47 and 59 above.

Regarding claim 67, all the claimed subject matters are cited in respect to claims 34 and 59 above.

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Regarding claim 76, the method claimed limitations are met by the apparatus claims 31, 50 and 54 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-36, 38, 44, 51, 52, 55-58, 62-66 and 68-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Garaci** [US 5,143,193] in view of **Frederick** [US 6,788,997]

Regarding claim 34, **Geraci** fails to disclose the communication link is wireless connection. However, **Geraci** teaches of the communication cable for link with the computer via a modem, see col. 6, lines 6-10. Frederick suggests that the wireless communication for communicating to/from the storage, see col. 8, lines 44-64.

Therefore, an artisan would substitute the wireless communication of **Frederick** for the cable modem of **Garaci** for eliminating wires/cables and provides a greater convenience to users/customers.

Regarding claim 35, **Garaci** fails to disclose the communication link is wireless LAN. However, according to the combination between **Garaci** and **Frederick** in respect to

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claim 34 above, and furthermore, **Frederick** also teaches that the wireless communication is a LAN 82 or 328, see Figs. 13 and 40.

Regarding claim 36, **Garaci** fails to disclose the network connection is the internet. However, according to the combination between **Garaci** and **Frederick** in respect to claim 34 above, and furthermore **Frederick** teaches that the modems for communicating between a plurality of computers over the LAN networks 82 or 328, see Figs. 13 and 40.

Regarding claim 38, the claimed network connection LAN is met by the combination between **Garaci** and **Frederick** in respect to claim 34 above, such as the LAN 82 or 328, see Figs. 13 and 40.

Regarding claim 44, the claimed storage unit comprises a wireless communication device is met by combination between **Garaci** and **Frederick** in respect to claim 34 above.

Regarding claim 51, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claim 36 and 50 above.

Regarding claim 52, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 35 and 50 above.

Regarding claim 55, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 31 and 36 above.

Regarding claim 56, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 43, 45 and 55 above.

Regarding claim 57, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claim 55 and 56 above, and including the inventory (see col. 4, lines 21-34).

Regarding claim 58, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 55 and 56 above.

Regarding claim 62, **Garaci** fails to disclose the transmitting an alarm to the monitoring computer based on the unauthorized removal of an object from the storage unit.

However, **Garaci** teaches that only authorized serviceman, caretaker having the proper codes for opening the front door 12 and back door 30 of the housing storage 10, see Figs. 2 and 3, col. 4, lines 17-56. Frederick suggests that the alarm for alarming of unauthorized removing of the object/medical item, see col. 27, lines 49-65. Therefore, an artisan would implement the alarm of **Frederick** to the housing storage of **Garaci** for providing an alert signal to alert of unauthorized accessing and removing articles/items

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from the housing storage, since the housing storage is provide with security codes for accessible by authorized individuals.

Regarding claim 63, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claim 62 above.

Regarding claim 64 all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 36 and 59 above.

Regarding claim 65, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 35 and 59 above.

Regarding claim 66, all the claimed subject matters discussed between **Garaci** and **Frederick** cited in respect to claims 44 and 64 above.

Regarding claim 68, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 62 and 59 above.

Regarding claim 69, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 63 and 59 above.

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Regarding claim 70, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 63 and 59 above.

Regarding claim 71, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 46, 57 and 64 above.

Regarding claim 72, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 46, 58 and 64 above.

Regarding claim 73, all the claimed subject matters are in respect to claims 46, 56 and 64 above.

Regarding claim 74, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 62 and 64 above.

Regarding claim 75, all the claimed subject matters are discussed between **Garaci** and **Frederick** in respect to claims 36 and 71 above.

Response to Arguments

5. Applicant's arguments filed on 10 April 2006 have been fully considered but they are not persuasive. Because of the Amendment with new subject matters changes the

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scope of the claimed limitations. Therefore, a new reference of **Garaci** is with and/or without combination with **Frederick** to make the rejection smoother.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Mike Horabik** can be reached on (571) 272-3068.

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A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal stroke extending to the right.

Van Trieu
Primary Examiner
Date: 6/19/06